

APPENDIX C

Summary of Procedures for dealing with complaints against Members Including Parish and Town Councillors

- 1) Receipt of complaint via standard complaint form similar to existing or letter or email. Completed forms will be sent to Democratic Services (as at present).
- 2) Once complaint received and acknowledged, the member complained of is sent a copy of the complaint and asked to give their initial views/response and this may be on a pro forma or in an email or letter. This to be returned within 10 working days.
- 3) A copy of this complaint is provided to the member on the strict proviso that they do not (at this stage) share it with others (other than to seek legal advice or assistance) and that it remains confidential. Supporting statements / responses from third parties cannot be provided at this stage.
- 4) Once this has been received the Monitoring Officer (or one of her deputies) considers the complaint and the comment from the member and decides what action is to be taken. Broadly four types of possible action:
 - a. Take no action if there is no code of conduct issue
 - b. Ask the Member to take some action (e.g. make an apology, attend training, correct an entry in a register)
 - c. Refer to investigation if there is potentially a breach of the Code of Conduct
 - d. Refer to the police if it is a criminal matter(Action under c and d will only be taken in consultation with the designated independent person and potentially a parish councillor if complaint relates to a parish councillor.)
- 5) If the initial decision is a (to take no action) then the complainant has 15 working days in which to request a review by either the Monitoring Officer or Deputy who had not considered the matter the first time round.
- 6) If the Monitoring Officer believes the matter should be investigated or referred to the police, the Designated Independent Person will be consulted.
- 7) Investigation will be undertaken by a suitably qualified person (usually internally but for some cases it may be necessary to refer the investigation to an external person). The investigation will find either:
 - a. No breach of the Code of Conduct in which case the matter stops there, or
 - b. A breach of the Code of conduct in which case the matter will be referred to the appeals committee of three members of the Isle of Wight Council to determine whether or not they agree with the investigating officer's conclusion. Where the matter is against a Parish/Town Councillor the appeals committee may seek the advice of one of the parish/town council representatives.

- c. If the appeal committee decides there has been a breach then for Isle of Wight Councillors they can determine a sanction which can be:
 - 1. Censure
 - 2. Refer to the relevant Group Leader for action
 - 3. Publication of findings
 - 4. Local Resolution eg letter of apology
 - d. If the matter relates to a Parish/Town Councillor then if a breach has been determined the matter is referred to that Parish/Town Council for them to determine what action to take.
 - e. During an investigation it maybe that a local resolution can be achieved without the need to conclude the investigation or have the final hearing. The Designated Independent Person will be consulted in this event.
- 8) A complainant can request that a complaint be withdrawn at any stage and all such requests will be determined by the Monitoring Officer in consultation with the Designated Independent Person.